

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

02 OCT 29 PM 3: 21

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

Ramon Aragon, *et al.*,

Defendants.

69cv07941 JEC-ACE

Robert Martinez
CLERK-SANTA FE

**RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla
& Canjilon Creek**

Subfile No. CHCJ-003-0043

**MOTION TO VACATE DEFAULT JUDGMENT
AND FOR LEAVE TO FILE A CONSENT ORDER
IN SUBFILE NO. CHCJ-003-0043**

COMES NOW the plaintiff, State of New Mexico, *ex rel.* State Engineer, by and through his attorneys, and moves the Court to vacate the August 29, 2002 Order Granting Default Judgment (Docket No. 6835) for the following defendants:

Tony M. Martinez CHCJ-003-0043

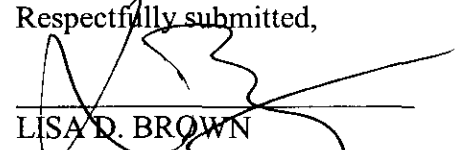
Carla Martinez CHCJ-003-0043

As grounds therefore plaintiff states that since default judgment was ordered against the above named defendants, they have signed a consent order that will adjudicate their water rights by agreement. Plaintiff received this consent order on October 18, 2002.

WHEREFORE, the plaintiff State of New Mexico requests the Court to vacate the Order Granting Default Judgment with respect to the above named defendants, and only with respect to the above named defendants, and for leave to file a consent order in Subfile CHCJ-003-0043.

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Respectfully submitted,

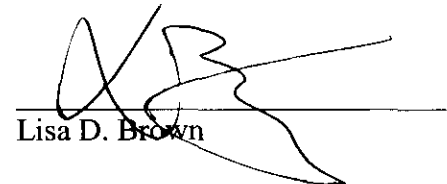


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Set Aside Default Judgment and for Leave to File a Consent Order in Subfile No. CHCJ-003-0043 was mailed to the following persons on October

30, 2002.



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